

Message Text

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ACTION IO-14

INFO OCT-01 ISO-00 AF-10 ARA-16 EA-11 EUR-25 NEA-10 RSC-01

CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03 NSAE-00 NSC-10

PA-04 PRS-01 SPC-03 SS-20 USIA-15 ACDA-19 DLOS-06

COA-02 EB-11 OIC-04 AEC-11 AGR-20 CG-00 COME-00

DOT-00 FMC-04 INT-08 JUSE-00 NSF-04 OMB-01 SCI-06

CEQ-02 DRC-01 /263 W
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R 060214Z NOV 73

FM USMISSION USUN NEWYORK

TO SECSTATE WASHDC 807

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 1 OF 2 USUN 4476

PARIS NESCO FOR US DEL IOC

E.O. 11652: GDS

TAGS: PFOR PBOR UN

SUBJ: LAW OF THE SEA -- INAUGURAL SESSION ISSUES

1. SUMMARY. GROUP OF 5 MET PM 5 NOV TO DISCUSS LOS
CONFERENCE GENERAL COMMITTEE COMPOSITION AND TRANSLATION
OF FIRST COMMITTEE "GENTLEMAN'S AGREEMENT" ON VOTING INTO
ACCEPTABLE CONFERENCE PROCEDURE. GROUP AGREED TO MEET
AGAIN WITHIN NEXT WEEK AND TO MEET AT HEADS OF DELEGATION
LEVEL ON 3 DEC WHEN CONF OPENS.

2. DETAILS. AMB OGISO CHAIRED MTG OF GROUPOF 5 CALLED
AT UK REQUEST. UK DEPPERMREP JAMIESON BEGAN DISCUSSION
BY STATING UK'S FIRST PREFERENCE ON GENERAL COMMITTEE
(GC) COMPOSITION: GC COMPOSITION SHOULD BE BASED ON PATTERN
OF GA RES 1990 (ALLOCATING UNGA VICE-PRESIDENCES), IN
PARTICULAR ITS SUBDIVISION (F) LISTING "FIVE
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REPRESENTATIVES FROM THE PERMANENT MEMBERS OF THE SECURITY

COUNCIL"; THE SMALLER THE GC THE BETTER; POSSIBLY 25 VICE-PRESIDENT'S WOULD BE OPTIMUM, THESE INCLUDING 5 PERMANENT MEMBERS PLUS SC ROTATING MEMBERSHIP MULTIPLIED BY 2, NAMELY 6 AFRICANS, 4 ASIANS, 4 LA'S, 4 WEO'S & 2 EE'S. (ALTERNATIVELY 35 V-P'S WOULD MEAN 5 PERMS PLUS MULTIPLYING SC ROTATING MEMBERSHIP BY 3). KOLESNIK (USSR) SAID HE IS INSTRUCTED TO SEEK 4 EE SEATS, WHICH JEANNEL (FRANCE) RATHER RUEFULLY NOTED WOULD INVOLVE A GC OF 40 OR 50; JEANNEL THOUGHT GC SHOULD BE HELD TO 35, IF POSSIBLE. KOLESNIK ALSO COMMENTED MOSCOW WOULD FEEL STRONGLY ABOUT GC SIZE AND COMPOSITION ONLY IF GC WERE GIVEN CRITICAL ROLE OF DETERMINING WHEN VOTING SHOULD BEGIN. UK AND FRANCE, HOWEVER, CAUTIONED THAT EVEN WERE GC NOT TO PLAY SUCH A ROLE, IT WOULD STILL HAVE IMPORTANT FUNCTIONS IN ORDERING THE CONFERENCE'S WORK. JEANNEL COMMENTED FRUTHER THAT AGREEING TO AN UNFAVORABLE GC COULD HAVE UNDESIRABLE POLITICAL CONSEQUENCES IN OTHER UN CONTEXTS. DELOFF SAID HE THOUGH WE SHOULD SEEK A "CATEGORY (F)" BUT SETTLE FOR AN OTHERWISE SATISFACTORY GC WHICH IN FACT ALTHOUGH WITHOUT SPECIAL CATEGORIZATION INCLUDED 5 PERMANENT MEMBERS AND JAPAN.

3. TURNING TO PROBLEM OF HOW TO TRANSLATE GENTLEMAN'S AGREEMENT INTO MEANINGFUL CONFERENCE PROCEDURE, JEANNEL VOICED PESSIMISM ON OBTAINING AGREEMENT THAT GC SHOULD BE VESTED WITH THIS TASK. OTHERS PRESENT CONCURRED IN THAT PESSIMISM SAVE JAMIESON WHO THOUGHT IDEA THAT GC MIGHT PLAY AN "ADVISORY" ROLE IN THIS REGARD SHOULD NOT BE DISCARDED; GC COULD ADVISE PLENARY SESSION OF THE CONFERENCE OF ITS VIEWS RE PROPRIETY OR IMPROPRIETY OF VOTING. JEANNEL SUGGESTED CONSIDERATION BE GIVEN TO PRECEDENT OF UN SPECIAL COMMITTEE ON FRIENDLY RELATIONS WHERE SCFR'S DRAFTING COMMITTEE HAD DRAFTED TEXTS WITHOUT VOTING AND BY THIS MEANS IMPORTED CONSENSUS INTO ITS WORK. IN THAT CASE GC'S PRINCIPAL TASK WOULD BE ORGANIZATION OF CONFERENCE WORK. IF THIS SOLUTION PROVED IMPOSSIBLE, ALTERNATIVE SOLUTION MIGHT BE SOUGHT ACCORDING TO WHICH THE CONFERENCE COULD VOTE WHENEVER IT WISHED BUT IT WOULD NOT ACTUALLY ADOPT ANY TEXT EXCEPT BY CONSENSUS.

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4. UK THOUGHT IDEA OF GETTING LOS CONFERENCE DRAFTING COMMITTEE TO PLAY A "FINGER ON THE TRIGGER" VOTING ROLE WOULD RUN INTO THE SAME PROBLEMS AS EARLIER EFFORTS TO ASSIGN THIS FUNCTION TO THE GD. HE AND OGISO POINTED OUT THAT THE DRAFTING COMMITTEE, WHICH SHOULD BE SMALL, WOULD BE EVEN LESS REPRESENTATIVE THAN THE GC AND ACCORDINGLY ATTRACT THE STRONGER OPPOSITION IN THIS CONTEXT. JAMISEON THEN BROUGHT UP AMERASINGHE'S IDEA

THAT "INDICATIVE VOTING" MIGHT PLAY AN IMPORTANT ROLE AT VARIOUS STAGES OF THE CONFERENCE; FRANCE, JAPAN AND USSR AGREED. JAMISEON SUGGESTED POSSIBILITY OF PERMITTING INDICATIVE VOTING IN EACH OF THE MAIN COMMITTEES; IN A PARTICULAR CASE AN MC WOULD REPORT TO THE PLENARY ON THE TEXT HAVING BEEN VOTED AND THE "INDICATIVE VOTE"; WHERE THE VOTE HAD NOT BEEN WITHOUT OPPOSITION, THE MC WOULD BE REQUIRED TO REPORT ALTERNATIVE TEXTS; AND A COORDINATING COMMITTEE OR OTHER RECONCILIATION MECHANISM WOULD THEN MEET TO CONSIDER THE REPORTS OF EACH OF THE MC'S (SO AS TO GET AN OVERALL VIEW) WITH A VIEW TO MAKING A RECOMMENDATION TO THE PLENARY WHETHER THE LATTER OUGHT OR OUGHT NOT TO PROCEED BY VOTING. KOLESNIK THOUGHT THAT DRAFTING COMMITTEE SHOULD BE SMALL AND PROFESSIONAL BODY AND NOT BE ENTRUSTED WITH VOTING TRIGGER FUNCTION.

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C O N F I D E N T I A L SECTION 2 OF 2 USUN 4476

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5. OGISO ASKED WHETHER OTHERS THOUGHT THERE WAS ANY

POSSIBILITY OF OBTAINING AGREEMENT TO A FORMULA UNDER WHICH A 4/5 MAJORITY IN THE PLENARY WOULD BE REQUIRED BEFORE TAKING A VOTE ON A PARTICULAR TEXT OR TEXTS. HE EXPLAINED THAT MC'S WOULD TAKE DECISIONS BY CONSENSUS ONLY UNTIL SUCH A VOTE OBTAINED; IN THE ABSENCE OF AGREEMENT AN MC WOULD REPORT ALTERNATIVE TEXTS TO THE PLENARY. OTHER PARTICIPANTS DID NOT THINK 4/5 NEGOTIABLE. UK WONDERED WHETHER EFFORT SHOULD BE MADE FOR A NEW RULE ACCORDING TO WHICH IN CALCULATING A 2/3, 4/5 OR OTHER MAJORITY, ABSECTIONS WOULD NOT COUNT. IT WAS NOTED THAT THIS WOULD RUN COUNTER TO 25 YEARS OF UN PRACTICE BUT REQUIRED REFLECTION.

6. KOLESNIK WONDERED WHETHER GENTLEMAN'S AGREEMENT SHOULD BE READ OUT AGAIN IN PLENARY BY GA PRESIDENT BENITES. DELOFF SUGGESTED THIS UNNECESSARY SINCE FIRST COMMITTEE CONFIDENTIAL

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STATEMENT WOULD APPEAR BOTH IN COMMITTEE VERBATIM RECORDS AND IN FIRST COMMITTEE REPORT TO THE PLENARY IN APPARENTLY SATISFACTORY TERMS; EFFORTS WOULD BE BETTER DIRECTED IN TRYING TO NEGOTIATE APPROPRIATE TRIGGER MECHANISM FOR THE CONFERENCE, WITH TEXT OF GENTLEMAN'S AGREEMENT PLUS ACCOMPANYING MECHANISM MADE A MATTER OF RECORD AT THE INAUGURAL SESSION OF THE CONFERENCE. JEANNEL AGREED; KOLESNIK SEEMED SATISFIED.

7. IN VIEW OF FACT JEANNEL RETURNS TO PARIS ON THURS, IT WAS AGREED THAT 5 AT HEADS OF DEL LEVEL WOULD MEET ON 3 DEC WHEN INAUGURAL SESSION IS CONVENED. IT WAS ALSO AGREED THAT FURTHER GROUP OF 5 CONSULTATIONS SHOULD TAKE PLACE IN NEXT WEEK SINCE AMERASINGHE AND OTHERS WOULD BE MOVING FORWARD ON INAUGURAL SESSION OF THE CONFERENCE. JEANNEL AGREED ON APPROPRIATE OFFICER OF FRENCH MISSION WOULD PARTICIPATE.

8. OGISO SAID THAT AT LONDON CONSULTATIONS OF GROUP OF 5 THERE HAD BEEN DISCUSSION WHETHER NODULE EXPERTS SHOULD TAKE OCCASION OF INAUGURAL SESSION TO MAKE FURTHER PROGRESS. JEANNEL COMMENTED FRANCE WAS PROPOSING THIS BE PUT OFF TO JAN.
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